



PATENT  
Attorney Docket No. 05725.1237-00000

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )  
)  
Valerie DE LA POTERIE et al. ) Group Art Unit: 1615  
)  
Application No.: 10/654,887 ) Examiner: J. VENKAT  
)  
Filed: September 5, 2003 )  
)  
For: COMPOSITION FOR COATING ) Confirmation No.: 6631  
KERATIN FIBERS COMPRISING )  
A TACKY WAX )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(c)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), Applicants bring to the attention of the Examiner the documents on the attached listing. This Information Disclosure Statement is being filed after the events recited in Section 1.97(b) but, to the undersigned's knowledge, before the mailing date of either a Final action, Quayle action, or a Notice of Allowance. Under the provisions of 37 C.F.R. § 1.97(c), this Information Disclosure Statement is accompanied by a fee of \$180.00 as specified by Section 1.17(p).

Copies of the listed foreign and non-patent literature documents are attached.

Copies of the U.S. patents, U.S. patent publications, and co-pending applications are not enclosed, as they are available in the Image File Wrapper.

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The United States Court of Appeals for the Federal Circuit held in *Dayco Products, Inc. v. Total Containment, Inc.*, 329 F.3d 1358, 66 U.S.P.Q.2d 1801 (Fed. Cir. 2003), that an "adverse decision" by another examiner may meet the materiality

standard under the amended Rule 56, and thus, Applicants should disclose prior rejections of "substantially similar claim[s]" to the Office. Accordingly, although Applicants are not representing that the co-pending application is material to the present application and are not admitting that any of the other claims are substantially similar, out of an abundance of caution, Applicants have listed the co-pending application on the attached form.

Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

With respect to the non-English language documents, Applicants submit the following remarks:

1. **EP 0 611 170** - This document is believed to be related to U.S. Patent No. 6,099,183, which is cited on the attached PTO Form SB/08.
2. **EP 0 811 336** - This document is believed to be related to U.S. Patent No. 5,894,847, which is cited on the attached PTO Form SB/08.
3. **EP 0 811 337** - This document is believed to be related to U.S. Patent No. 5,860,432, which is cited on the attached PTO Form SB/08.
4. **EP 0 842 620** - This document is believed to be related to U.S. Patent No. 5,934,292, which is cited on the attached PTO Form SB/08.
5. **FR 2 232 303** - This document is believed to be related to U.S. Patent No. 3,937,811, which is cited on the attached PTO Form SB/08.
6. **FR 2 607 373** - This document is believed to be related to U.S. Patent No. 4,887,622, which is cited on the attached PTO Form SB/08.

7. **FR 2 687 569** - This document is believed to be related to U.S. Patent No. 5,858,338, which is cited on the attached PTO Form SB/08.
8. **FR 2 773 063 A1** - This document is believed to be related to U.S. Patent No. 6,274,131 B1, which is cited on the attached PTO Form SB/08.
9. **JP-H06-9341** - This document is believed to be related to U.S. Patent No. 5,858,338, which is cited on the attached PTO Form SB/08.
10. **JP 8-506342** - This document is believed to be related to U.S. Patent No. 5,356,627, cited on the attached PTO Form SB/08.
11. **JP-A-H09-132511** - This document is believed to be related to U.S. Patent No. 5,783,176, which was previously cited on March 31, 2005.
12. **JP-11-255619** - This document is believed to be related to U.S. Patent No. 6,274,131 B1, which is cited on the attached PTO Form SB/08.
13. **JP-A-2001-64156** - This document is believed to be related to U.S. Patent No. 6,511,655 B1, which is cited on the attached PTO Form SB/08.
14. **JP 2003-095873** - This document is believed to be related to Japanese Unexamined Patent Application, JP H10-1175845, an abstract of which can be found in the English language Abstract of JP H10-175845 prepared by the JPO and submitted herewith.
15. **JP 2003-095875** - An abstract of the disclosure of this document can be found in the English language Derwent Abstract submitted herewith.
16. **French Search Report for FR 02 11096**: This is the French Search Report for FR 02 11096, which is the priority application for co-pending Application No. 10/654,907 (Attorney Docket No. 05725.1236).

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the Examiner the relevant facts and law regarding the appropriate status of such documents.

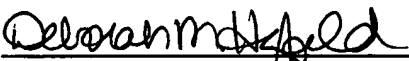
Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

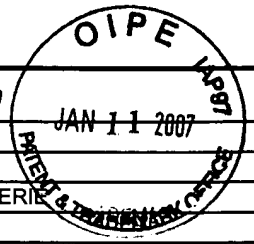
If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: January 11, 2007

By:   
Deborah M. Herzfeld  
Reg. No. 52,211



<b>IDS Form PTO/SB/08: Substitute for form 1449A/PTO</b>  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use as many sheets as necessary)				<b>Complete if Known</b>	
				Application Number	10/654,887
				Filing Date	September 5, 2003
				First Named Inventor	Valerie DE LA POTERIE
				Art Unit	1615
				Examiner Name	J. VENKAT
Sheet	1	of	2	Attorney Docket Number	05725.1237-00

U.S. PATENTS AND PUBLISHED U.S. PATENT APPLICATIONS					
Examiner Initials	Cite No. <sup>1</sup>	Document Number	Issue or Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
	1	US-3,937,811	02-10-1976	Papantoniou et al.	
	2	US-4,887,622	12-19-1989	Gueret	
	3	US-5,858,338	01-12-1999	Piot et al.	
	4	US-5,860,432	01-19-1999	Gueret	
	5	US-5,894,847	04-20-1999	Gueret	
	6	US-5,934,292	08-10-1999	Gueret	
	7	US-6,099,183	08-08-2000	Gueret	
	8	US-6,227,735	05-08-2001	Gueret	
	9	US-6,274,131	08-14-2001	Piot et al.	
	10	US-6,511,655	01-28-2003	Müller et al.	

**Note: Submission of copies of U.S. Patents and published U.S. Patent Applications is not required.**

FOREIGN PATENT DOCUMENTS						
Examiner Initials	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	Translation <sup>6</sup>
		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)				
	11	EP 0 611 170	08-17-1994	L'OREAL		US Counterpart
	12	EP 0 811 336	12-10-1997	L'OREAL		US Counterpart
	13	EP 0 811 337	12-10-1997	L'OREAL		US Counterpart
	14	EP 0 842 620	05-20-1998	L'OREAL		US Counterpart
	15	FR 2 232 303	01-03-1975	L'OREAL		US Counterpart
	16	FR 2 607 373	06-03-1988	L'OREAL		US Counterpart
	17	FR 2 687 569	08-27-1993	L'ORÉAL		US Counterpart
	18	FR 2 773 063	07-02-1999	L'OREAL		US Counterpart
	19	JP 6-9341	01-18-1994	L'OREAL		US Counterpart
	20	JP 8-506342	07-09-1996	ESTEE LAUDER		US Counterpart
	21	JP 9-132511	05-20-1997	L'ORÉAL		US Counterpart
	22	JP 11-255619	09-21-1999	L'ORÉAL		US Counterpart
	23	JP 2001-64156	03-13-2001	BEIERSDORF AG		US Counterpart
	24	JP 2003-95873	04-03-2003	POLA CHEM IND INC		Abstract
	25	JP 2003-95875	04-03-2003	KANEBO LTD (KANE)		Abstract
	26	WO 94/17775	08-18-1994	ESTEE LAUDER		

Examiner Signature		Date Considered	
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

IDS Form PTO/SB/08: Substitute for form 1449A/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  <i>(Use as many sheets as necessary)</i>				<b>Complete if Known</b>	
				<i>Application Number</i>	10/654,887
				<i>Filing Date</i>	September 5, 2003
				<i>First Named Inventor</i>	Valerie DE LA POTERIE
				<i>Art Unit</i>	1615
				<i>Examiner Name</i>	J. VENKAT
Sheet	2	of	2	<i>Attorney Docket Number</i>	05725.1237-00

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	Translation <sup>6</sup>
	27	Encyclopedia of Chem. Tech. "Sulfonation and Sulfation to Thorium and Thorium Compounds", Third Edition, Volume 22, John Wiley & Sons.	
	28	Co-pending Application No. 10/654,907 filed September 5, 2003 (Attorney Docket No. 05725.1236).	
	29	French Search Report for FR 0 211 096 (French priority application for copending Application No. 10/654,907), dated May 19, 2003, Examiner Willekens.	
	30	English language Derwent Abstract of JP 2003-95873.	
	31	English language Derwent Abstract of JP 2003-95875.	

Examiner Signature		Date Considered	
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.